

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,)	Case No. 5:22-mj-01144
)	
Plaintiff,)	Judge J. Philip Calabrese
)	
v.)	Magistrate Judge
)	Amanda M. Knapp
KORDELL RAYSHAWN)	
JOHNSON,)	
)	
Defendant.)	
)	

OPINION AND ORDER

According to the affidavit in support of the criminal complaint in this case, Defendant and two other individuals attempted to break into an ATM machine by chaining it to a truck and pulling it from its foundation. (ECF No. 1-1, PageID #3–4.) Police officers responded to the scene and engaged in a high-speed vehicle pursuit of the suspects. (*Id.*, PageID #5.) After the suspects’ vehicle crashed, the suspects fled on foot for a short distance before being apprehended. (*Id.*, PageID #5.) Based on this affidavit, the Magistrate Judge signed the criminal complaint alleging that Defendant committed bank larceny in violation of 18 U.S.C. § 2113. (ECF No. 1.)

Following Defendant’s arrest and initial appearance in this case, the United States moved to detain Defendant. (Minutes, June 17, 2022.) After holding a detention hearing, the Magistrate Judge determined that the United States had not met its burden of proof and ordered Defendant released subject to conditions. (*Id.*) The United States appeals the Magistrate Judge’s release order and moves to stay

the granting of bond to Defendant pending resolution of its appeal. (ECF No. 10.) This ruling addresses only the issue of a stay pending the appeal from the Magistrate Judge's Order setting conditions of release. The Court will consider the merits of the United States' appeal of the Magistrate Judge's release order at the detention appeal hearing, which it will set by separate order.

Under 18 U.S.C. § 3145(a), “[i]f a person is ordered released by a magistrate judge . . . the attorney for the Government may file, with the court having original jurisdiction over the offense, a motion for revocation of the order.” District courts review a magistrate judge's release or detention order de novo. *United States v. Tripplett*, No. 1:19-cr-700, 2020 WL 6702118, at *1 (N.D. Ohio Nov. 13, 2020) (citing *United States v. Alexander*, 742 F. Supp. 421, 423 (N.D. Ohio 1990)).

For now, based on the review of the record, and the expectation that a hearing on the merits of the appeal will happen promptly, the Court determines that good cause exists to grant the motion for a stay. This brief stay maintains the status quo pending determination of the appeal. It does not constitute a determination on the merits of the appeal one way or another.

Accordingly, the Court **STAYS** the Magistrate Judge's release order pending resolution of the United States' appeal. Defendant shall remain in the custody of the United States Marshals Service in the Northern District of Ohio until further order of this Court.

SO ORDERED.

Dated: June 30, 2022

A handwritten signature in black ink, appearing to read 'J. Calabrese', with a long horizontal flourish extending to the right.

J. Philip Calabrese
United States District Judge
Northern District of Ohio